

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/4/2021

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MILTON WILLIAMS, ON BEHALF OF :
HIMSELF AND ALL OTHER PERSONS :
SIMILARLY SITUATED, :
 :
Plaintiff, :
 :
-against- :
 :
BLOOMSCAPE, INC., :
 :
Defendant. :
-----X

21-CV-1266 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on June 3, 2021 (Dkt. 10), the parties notified the Court that they have reached an agreement in principle resolving all issues;

IT IS HEREBY ORDERED that all previously scheduled conferences and other deadlines are CANCELLED.

IT IS FURTHER ORDERED that this case is DISMISSED with prejudice and without costs (including attorneys' fees) to either party. The Clerk of Court is respectfully directed to terminate all open motions and to CLOSE the case.

Within **30 days** of this order, the parties may apply to reopen this case. Any such application must show good cause for holding the case open in light of the parties' settlement and must be filed within **30 days**. Any request filed after 30 days or without a showing of good cause may be denied solely on that basis. Further, any application to reopen this case must be accompanied by much more compelling evidence that Plaintiff undertook reasonable efforts to serve Defendant within the 90-day period articulated in Fed. R. Civ. P. 4(m).

Additionally, if the parties wish for the Court to retain jurisdiction to enforce their settlement agreement, they must submit **within the same 30-day period**: (1) their settlement

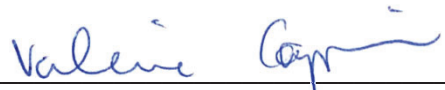
agreement to the Court in accordance with Rule 6.A of the Court's Individual Practices and (2) a request that the Court issue an order expressly retaining jurisdiction to enforce the settlement agreement. *See Hendrickson v. United States*, 791 F.3d 354 (2d Cir. 2015).

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to amend the case caption by deleting the language "on behalf of himself and all other persons similarly situated" after the individual Plaintiff's name. Because the parties did not notify the Court that they intended to comply with Fed. R. Civ. P. 23(e), this dismissal and any settlement between the parties is operative only as between the individual Plaintiff and Defendant and does not bind any absent putative class members.

IT IS FURTHER ORDERED that Defendant must file a notice of appearance on the docket by **June 11, 2021**.

SO ORDERED.

Date: June 4, 2021
New York, NY



VALERIE CAPRONI
United States District Judge